

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WO 1793 Px	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/002271	International filing date (<i>day/month/year</i>) 13.10.2004	Priority date (<i>day/month/year</i>) 19.11.2003
International Patent Classification (IPC) or national classification and IPC B65G 15/34, B65G 15/36		
Applicant PHOENIX AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-3 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-20 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-20</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>5, 10, 13</u>	YES
		Claims <u>1-4, 6-9, 11, 12, 14-20</u>	NO
	Industrial applicability (IA)	Claims <u>1-20</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1	<p>The present report refers to the following documents:</p> <p>D1: PATENT ABSTRACTS OF JAPAN Bd. 009, No. 114 (M-380), 18 May 1985 & JP 60 000931 A (MITSUBOSHI BELT KK), 7 January 1985</p> <p>D2: DE 33 09 228 A1 (MITSUI & CO EUROPE GMBH; MIYAMA ENGINEERING CO LTD) 27 October 1983</p> <p>D3: US 3 607 606 A (DUANE H. BENINGA) 21 September 1971</p>		
2	<p>INDEPENDENT CLAIM 1</p> <p>The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)):</p> <p>D1 discloses a conveyor belt from which the subject matter of claim 1 differs merely in that the particles S_1 are balls.</p> <p>The advantage of ball-shaped particles in a conveyor belt, namely a lower stress concentration, is, however, already known to a person skilled in the art (cf. D3, column 1, line</p>		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>75 - column 2, line 2; figures 6-7) and he would therefore readily use the ball shape in a conveyor belt known from D1 so as to reduce the stress concentration.</p>
3	<p>DEPENDENT CLAIMS 2-4, 6-9, 11, 12, 14-20</p> <p>Claims 2-4, 6-9, 11, 12 and 14-18 do not contain any features which, in combination with the features of any claims to which they refer, meet the PCT novelty or inventive step requirements. The additional features of claims 2-4, 6, 8, 9, 11, 12, 14, 15, 17 and 18 can be readily derived from D1. The additional features of claim 7 are known from D2 and D3 discloses the additional features of claim 16. The elastomer thicknesses given in claims 19 and 20 do not appear to have any special effect which might distinguish them in an inventive manner from the prior art.</p>
4	<p>DEPENDENT CLAIMS 5, 10, 13, 19, 20</p> <p>The features contained in dependent claims 5, 10 and 13 are not mentioned in the available prior art.</p>